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FILE COPY

FILED
JAN 12 1931
CHARLES ELMORE CROPLEY
CLERK

No. 19, Original.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1930.

STATE OF ARIZONA, *Complainant*,

v.

STATE OF CALIFORNIA, STATE OF NEVADA, STATE OF UTAH, STATE OF NEW MEXICO, STATE OF COLORADO, STATE OF WYOMING, AND RAY LYMAN WILBUR, SECRETARY OF THE INTERIOR, *Defendants*.

MOTION TO DISMISS.

W. B. MATHEWS,
CHARLES L. CHILDERS,
Of Counsel for California.

U. S. WEBB,
Attorney General of California.

GRAY MASHBURN,
Attorney General of Nevada.

WILLIAM W. RAY,
Of Counsel for Utah.

GEORGE P. PARKER,
Attorney General of Utah.

FRANCIS C. WILSON,
Of Counsel for New Mexico.

E. K. NEUMANN,
Attorney Gen. of New Mexico.

DELPH E. CARPENTER,
THOMAS H. GIBSON,
L. WARD BANNISTER,
CLARENCE L. IRELAND,
Of Counsel for Colorado.

JOHN S. UNDERWOOD,
Attorney General of Colorado.

WILLIAM O. WILSON,
Of Counsel for Wyoming.

JAMES A. GREENWOOD,
Attorney General of Wyoming.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

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MOTION TO DISMISS.

Now come the States of California, Nevada, Utah, New Mexico, Colorado and Wyoming, by the Attorney General of each State, and move, jointly and severally, that the bill of complaint be dismissed, for the reasons:

I.

This Honorable Court is without jurisdiction of the subject matter of the bill of complaint, for the reason that the same does not present for adjudication any case or controversy of which the Court can take judicial cognizance.

II.

The bill of complaint does not join the United States, which is an indispensable party to this suit.

III.

The bill of complaint does not state facts sufficient to constitute a cause of action against the said defendants or either or any of them.

U. S. WEBB,
Attorney General of California.

W. B. MATHEWS,
CHARLES L. CHILDERS,
Of Counsel for California.

GRAY MASHBURN,
Attorney General of Nevada.

GEORGE P. PARKER,
Attorney General of Utah.

WILLIAM W. RAY,
Of Counsel for Utah.

E. K. NEUMANN,
Attorney General of New Mexico.

FRANCIS C. WILSON,
Of Counsel for New Mexico.

JOHN S. UNDERWOOD,
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JAMES A. GREENWOOD,
Attorney General of Wyoming.

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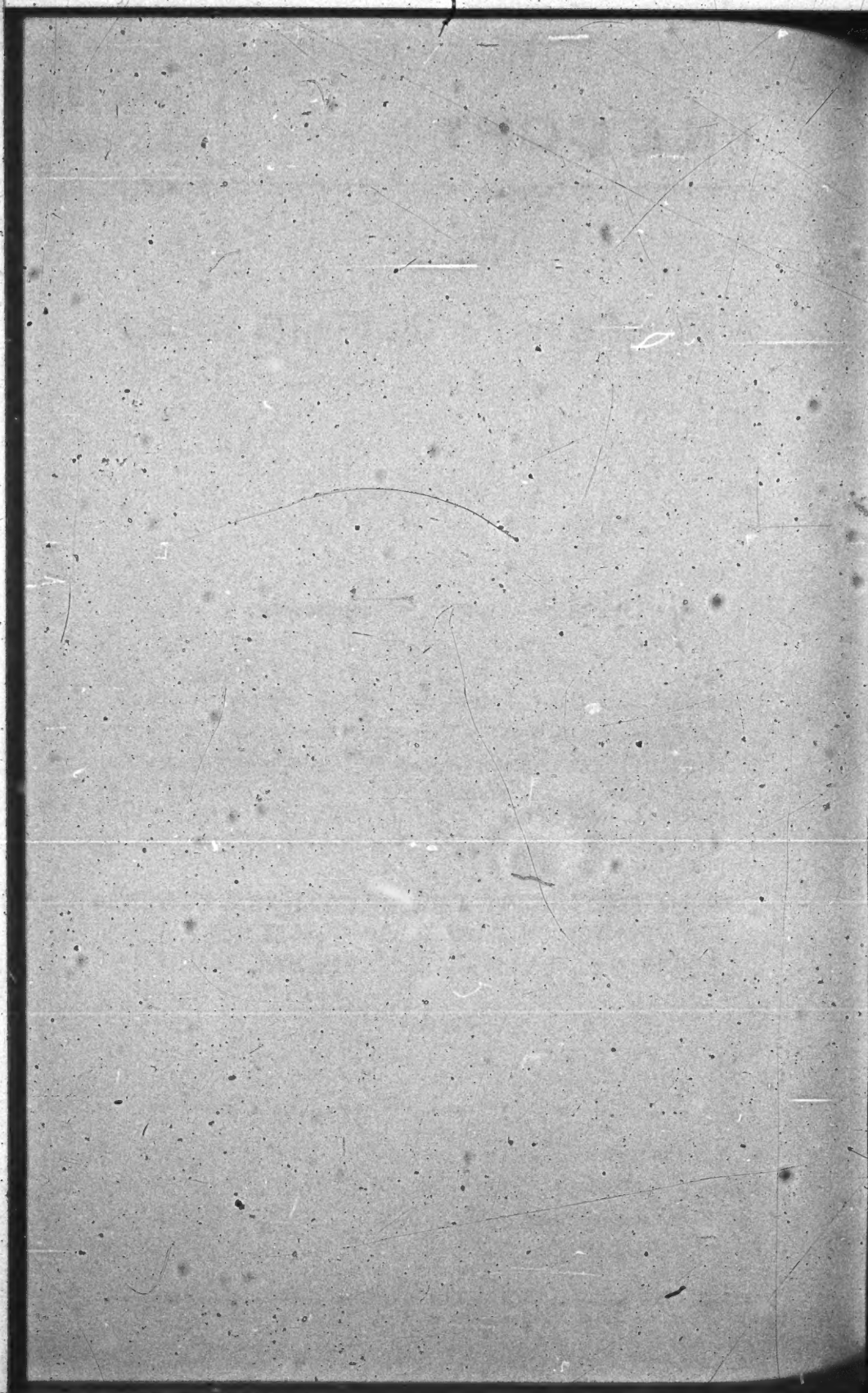
COPY OF MOTION BY THE DEFENDANT STATES TO DISMISS THE BILL OF COMPLAINT, AND BRIEF OF STATE OF CALIFORNIA.

U. S. WEBB,
Attorney General of California.

W. B. MATHEWS,
CHAS. L. CHILDERS,
Of Counsel for California.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.



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STATE OF CALIFORNIA, STATE OF NEVADA, STATE OF UTAH, STATE OF NEW MEXICO, STATE OF COLORADO, STATE OF WYOMING, AND RAY LYMAN WILBUR, SECRETARY OF THE INTERIOR, *Defendants*.

MOTION BY THE DEFENDANT STATES TO DISMISS THE BILL OF COMPLAINT.

Now come the States of California, Nevada, Utah, New Mexico, Colorado and Wyoming, by the Attorney General of each State, and move, jointly and severally, that the bill of complaint be dismissed, for the reasons:

I.

This Honorable Court is without jurisdiction of the subject matter of the bill of complaint, for the reason that the same does not present for adjudication any case or controversy of which the Court can take judicial cognizance.

II.

The bill of complaint does not join the United States, which is an indispensable party to this suit.

III.

The bill of complaint does not state facts sufficient to constitute a cause of action against the said defendants or either or any of them.

U. S. WEBB,
Attorney General of California.

W. B. MATHEWS,
CHAS. L. CHILDERS,
Of Counsel for California.

GRAY MASHBURN,
Attorney General of Nevada.
GEORGE P. PARKER,
Attorney General of Utah.

WILLIAM W. RAY,
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CLARENCE L. IRELAND,
Of Counsel for Colorado.

JAMES A. GREENWOOD,
Attorney General of Wyoming.

WILLIAM O. WILSON,
Of Counsel for Wyoming.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1930.

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STATE OF ARIZONA, *Complainant*,

v.

STATE OF CALIFORNIA, STATE OF NEVADA, STATE OF UTAH, STATE OF NEW MEXICO, STATE OF COLORADO, STATE OF WYOMING, AND RAY LYMAN WILBUR, SECRETARY OF THE INTERIOR, *Defendants*.

ON MOTION OF DEFENDANTS, STATE OF CALIFORNIA, STATE OF NEVADA, STATE OF UTAH, STATE OF NEW MEXICO, STATE OF COLORADO, AND STATE OF WYOMING.

BRIEF FOR DEFENDANT STATE OF CALIFORNIA.

Defendant State of California, appearing by its Attorney General, has joined with defendants State of Nevada, State of Utah, State of New Mexico, State of Colorado, and State of Wyoming, in a motion to dismiss the bill of complaint herein on the following grounds:

I.

This Honorable Court is without jurisdiction of the subject matter of the bill of complaint, for the reason that the same does not present for adjudication any case or controversy of which the Court can take judicial cognizance.

II.

The bill of complaint does not join the United States, which is an indispensable party to this suit.

III.

The bill of complaint does not state facts sufficient to constitute a cause of action against the said defendants, or either or any of them.

The reasons urged by this defendant and the authorities supporting the same are set forth in the brief of the Honorable the Solicitor General of the United States in support of the motion to dismiss the bill of complaint filed by the defendant Ray Lyman Wilbur, Secretary of the Interior, and such brief is, by permission of the Solicitor General and by reference thereto, adopted as the brief of this defendant, in support of its motion to dismiss the bill of complaint.

Respectfully submitted,

U. S. WEBB,
Attorney General of California.

W. B. MATHEWS,
CHAS. L. CHILDERS,
Of Counsel for California.